

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

BRIAN C. FRANKENFIELD §
VS. § CIVIL ACTION NO. 9:25-CV-20
TEXAS DEP'T CRIM. JUST. §

MEMORANDUM OPINION AND ORDER

Plaintiff Brian C. Frankenfield, a prisoner currently confined at the Willacy Unit of the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff alleges the defendant is denying him access to the courts by failing to provide him with a tablet to complete his legal work.

Discussion

When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1331 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose. However, under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district where it could have been brought. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

Willacy County is located in the Brownsville Division of the United States District Court for the Southern District of Texas. The court has considered the circumstances and has determined that the interests of justice would be served if the complaint were transferred to the district in which the claims arose. Therefore, this action should be transferred to the Southern District of Texas. It is accordingly

ORDERED that this civil rights action is **TRANSFERRED** to the Brownsville Division of the United States District Court for the Southern District of Texas.

SIGNED this the 30th day of January, 2025.



Christine L Stetson
UNITED STATES MAGISTRATE JUDGE